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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/007,652

12/06/2001

Floyd R. Pothoven

508-053.3-1

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05/19/2004

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EXAMINER

LEON, EDWIN A

ART UNIT

PAPER NUMBER

2833

DATE MAILED: 05/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

### Office Action Summary

Application No.

10/007,652

Applicant(s)

POTHOVEN ET AL.

Examiner

Edwin A. León

Art Unit

2833

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 18-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4,5,10 and 18-25 is/are allowed.
- 6) ☒ Claim(s) 1-3 and 6-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

**DETAILED ACTION**

***Response to Amendment***

1. Applicant's amendment filed January 30, 2004 in which the Specification and Claims 1, 4 and 10 have been amended and new Claims 18-25 have been added, has been placed of record in the file.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, and 6-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Wei et al. (U.S. Patent No. 5,592,048). With regard to Claim 1, Wei et al. discloses a body (12, 16) for an electrodeless lamp (10) of ceramic material and containing excitable material, the body (12, 16) comprising: a body preform (12, 16) of sintered ceramic material, defining the shape of the body (12, 16) which is hollow; a translucent window (24) on the body (12, 16), the window (24) and the preform (12, 16) being a coherent unit resulting from the window (24) having been pressed onto the preform (12, 16) when green and the window (24) having been united to the preform (12, 16) on

firing of the ceramic material (24) for sintering of the body perform (12, 16), the body (12, 16) further comprising an aperture (20) in the sintered perform (12, 16) for charging the excitable material into the hollow body (12, 16). See Fig. 1 and Column 2, Lines 8-61.

With regard to Claim 2, Wei et al. discloses the perform (12, 16) having a stepped recess (between 26) at one end for receiving the window (24), which is accommodated in the stepped recess (between 26). See Fig. 1 and Column 2, Lines 8-61.

With regard to Claim 3, Wei et al. discloses the body (12, 16) having a flat end opposite from the window (24) for receiving a disc of sintered ceramic material (24) for sealing the aperture (20). See Fig. 1 and Column 2, Lines 8-61.

With regard to Claim 6, Wei et al. discloses the ceramic material (24) of the perform (12, 16) being of alumina ceramic or quartz. See Fig. 1 and Column 2, Lines 8-61.

With regard to Claim 7, Wei et al. discloses the window (24) being of artificial sapphire or of quartz. See Fig. 1 and Column 2, Lines 8-61.

With regard to Claim 8, Wei et al. discloses the body (12, 16) being sealed at its charging aperture (20) and containing excitable material. See Fig. 1 and Column 2, Lines 8-61.

With regard to Claim 9, Wei et al. discloses the body (12, 16) having a flat end opposite from the window (24) for receiving a disc of sintered ceramic material (24) for sealing the aperture (20), the ceramic disc (24) being sealingly adhered to the perform

(12, 16) with the interposition of frit material (26). See Fig. 1 and Column 2, Lines 8-61.

***Allowable Subject Matter***

4. Claims 4-5, 10 and 18-25 are allowed for the reasons stated in the Office Action of August 28, 2003.

***Response to Arguments***

5. Applicant's arguments filed January 30, 2004 have been fully considered but they are not persuasive. In response to Applicant's arguments that the Wei et al. reference doesn't show the preform body being entirely sintered and not partially sintered, it is noted that the features upon which applicant relies (i.e., the perform body being entirely sintered) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Therefore, it is the Examiner's opinion that the fact that the sintering of the body in the Wei et al. reference is partial does not preclude the claims from reading on the cited reference in their broadest interpretation.

In response to Applicant's arguments that the Wei et al. reference doesn't show the perform having a stepped recess at one end for receiving the window, Applicant's attention is directed to Fig. 1 of the Wei et al. reference in which is clearly shown that

the perform (12, 16) ha a stepped recess (between 26) at one end for receiving the window (24). It is the Examiner's opinion that the recess formed between frit (26) and part 16 of the perform can be interpreted as being a steeped recess, which would meet Applicant's claims.

### ***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edwin A. León whose telephone number is (571) 272-2008. The examiner can normally be reached on Monday - Friday 10:00-6:30.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula A. Bradley can be reached on 571-272-2800, extension 33. The fax

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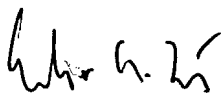
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phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Gary Paumen  
Primary Examiner



Edwin A. Leon  
AU 2833

EAL  
May 15, 2004